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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,952	12/09/1999	GUILLAUME SEBIRE	874.0002USU	8252

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EXAMINER

IQBAL, KHAWAR

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/457,952

Applicant(s)

SEBIRE ET AL.

Examiner

Khawar Iqbal

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Wan (6385460).

Regarding claim 1 Wan teaches a method for operating a mobile equipment in a wireless network, comprising steps of (abstract, figs. 1-8):

determining a value of a parameter that indicative of a signal quality experienced by the ME (col.2, lines 1-30);

calculating in the ME an indication of link quality, the calculation employing a filtering operation having a filter length that is a function of the determined parameter (col.2, lines 45-65, col. 7, line 20-col. 8, line 67, col.13, lines 16-50); and

reporting the calculated indication of link quality to the wireless network (col.2, lines 32-45, see above).

Regarding claims 2 and 3 Wan teaches wherein the step of determining comprises steps of: deriving an indication of ME speed in the wireless network; and transmitting the speed indication to the ME (col.2, line 20-65, col.5, lines 5-15, col. 12, lines 12-65).

Regarding claim 4 Wan teaches wherein the step of transmitting places the speed indication in padding bits of a point-to-point message (col. 7, line 27-col. 8, line 40).

Regarding claims 5 and 6 Wan teaches wherein the step of transmitting uses a message sent on a Packet Associated Control Channel (col. 6, lines 12-50).

Regarding claims 7-10 Wan teaches wherein the step of transmitting uses a plurality of bits placed into a Packet System Identification 13 message sent on a Packet Associated Control Channel (col. 6, lines 12-50, col. 7, line 35-col. 8, line 45).

Regarding claims 11-15 Wan teaches wherein the determined parameter is used to modify a forgetting factor that influences a length of a filter that operates on link quality measurement data (col. 10, line 50-col. 12, line 45, col. 13, lines 16-50).

Regarding claims 16 and 18 Wan teaches wherein the step of calculating operates on a plurality of measurements of one of a mean Bit Error Probability or a coefficient of variation of a Bit Error Probability (col. 7, line 35-col. 8, line 35).

Regarding claim 17 Wan teaches wireless communications system comprised of a wireless network (figs 1-8) and at least one mobile equipment located in a serving cell of said wireless network, further comprising a unit in said wireless network for deriving an indication of a speed of said ME within the serving cell; a transmitter in said wireless network for transmitting the indication of the ME speed to the ME; a receiver in said ME for receiving said transmitted speed indication; and a processor in said ME for implementing a filter for filtering a sequence of link quality measurement data, said filter having a filter length that is a function of a parameter having a value that is a function of said received transmitted speed indication; and a transmitter in said ME for transmitting an indication of said filtered link quality measurement data to a receiver of said wireless network (col. 2, lines 1-65, col. 7, line 20-col. 8, line 65, col. 10, line 50-col. 12, line 58, col. 13, lines 16-50).

Regarding claim 19 Wan teaches a wireless communications system as in claim 17, wherein said transmitter in said wireless network transmits the indication of the ME speed by using a plurality of bits placed into padding bits of a Packet System Identification 13 message sent on a Packet Associated Control Channel (col. 6, line 35-col. 7, line 65).

Regarding claim 20 Wan teaches a method for operating a wireless communications system comprised of a wireless network and a plurality of mobile equipment (ME) located in at least one serving cell of said wireless network, comprising steps of (abstract, figs. 1-8):

determining in the wireless network an indication of a signal quality experienced by individual ones of the plurality of ME, transmitting the determined indications to individual ones of the ME using a point-to-point message (col. 2, lines 1-65);

in a particular one of the plurality of ME, receiving the transmitted indication (col. 2, lines 1-65);

using the received indication for setting a length of a filter that is employed in a filtering operation that operates on a sequence of link quality measurement data (col. 2, lines 45-65, col. 7, line 20-col. 8, line 67, col. 13, lines 16-50); and

transmitting a result of the filtering operation to the wireless network (col. 2, lines 32-45, see above).

## **Conclusion**

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Barany et al (6256486), Vaara (6285884), Ranta et al (63080066), Corbett et al (6351642), Xiao et al (6370357), Ramesh (6389295), Kumar et al (6434367) and Elliott et al (6438376) teach performs packet data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDWARD URBAN, can be reached at 703-305- 4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

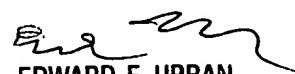
**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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